

**AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, ANNEXING 12.4 ACRES OF LAND, MORE OR LESS, SITUATED IN THE THOMAS BRISTOW SURVEY, ABSTRACT 35, AND THE M.E.P. & P.R.R. SURVEY, ABSTRACT NO. 1476, DENTON COUNTY, TEXAS; PROVIDING THAT THE OWNERS AND INHABITANTS OF THE ABOVE-DESCRIBED TRACT OF LAND SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF FRISCO AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND HEREINAFTER ADOPTED; PROVIDING FOR A PENALTY FOR A VIOLATION OF THIS ORDINANCE AND FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AND ANY AMENDMENTS THERETO; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") under the authority of Section 43.021, Local Government Code, investigated and determined that it would be advantageous and beneficial to the City of Frisco, Texas ("Frisco") and its inhabitants to annex the below-described property ("Property") to Frisco; and

WHEREAS, the City Council finds that all requisites relative to consideration and adoption of this Ordinance have been complied with pursuant to Chapter 43, Local Government Code; and

WHEREAS, prior to conducting the public hearings required under Section 43.063, Local Government Code, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Frisco and is adjacent and contiguous to the existing city limits of Frisco; and

WHEREAS, before the publication of the notice of the first public hearing regarding the annexation of the Property, the City Council directed the appropriate persons to prepare a service plan that provides for the extension of municipal services to the Property to be annexed; and

WHEREAS, the City Council finds that the Service Plan has been prepared in full compliance with Section 43.065, Local Government Code, and has been made available for public inspection and was available for explanation to the inhabitants of the Property at the public hearings; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property being annexed; and

WHEREAS, the City Council has conducted at least two (2) public hearings at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation and the proposed Service Plan; and

WHEREAS, the City Council finds the public hearings were conducted on or after the fortieth (40th) day but before the twentieth (20th) day before the date of the institution of the annexation proceedings; and

WHEREAS, the City Council finds it has completed the annexation process within ninety (90) days after the City Council instituted annexation proceedings; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form set forth by law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Property Annexed. The Property described as follows and all public streets, roadways and alleyways located within or contiguous to the same is hereby annexed to Frisco, to-wit:

BEING a tract of land out of the Thomas Bristow Survey, Abstract No. 35, and the M.E.P. & P.R.R. Survey, Abstract No. 1476, Denton County, Texas containing 12.4 acres of land, more or less; said tract is more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

The general location of the property is depicted on Exhibit "B", attached hereto.

SECTION 3: Service Plan. The Service Plan for the Property is attached hereto as Exhibit "C" and made a part hereof for all purposes.

SECTION 4: Rights/Privileges/Bound by Ordinances and Regulations. From and after the passage of this Ordinance, the Property shall be a part of Frisco, and the inhabitants thereof shall be entitled to all the rights and privileges of all of the citizens of Frisco and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the City Charter and the laws of the State of Texas.

SECTION 5: Official Map and Boundaries Amended. The official map and boundaries of Frisco are hereby amended to include the Property as part of Frisco. A certified copy of this Ordinance shall be filed in the County Clerk's Office of Denton County.

SECTION 6: Unlawful Use. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance and Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended; and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible use under this Ordinance and Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended.

SECTION 7: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the use created under Comprehensive Zoning Ordinance No. 00-11-01, and any amendments thereto, be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO,  
TEXAS** on this \_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
MAHER MASO, MAYOR

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
JENNY PAGE  
City Secretary

\_\_\_\_\_  
Abernathy, Roeder, Boyd & Joplin, P.C.  
CLAIRE E. SWANN  
City Attorney

DATE(S) OF PUBLICATION: \_\_\_\_\_, *Frisco Enterprise*

**EXHIBIT A**  
(Legal Description)

All that certain tract of parcel of land lying and being situated in the Thomas Bristow Survey, Abstract No. 35, and the M.E.P. & P.R.R. Survey, Abstract No. 1476, Denton County, Texas, and being a portion of a certain 12.76 acre tract described in a deed from W.D. Terrell, and wife, Alma Terrell to Robert S. McFarland on the 26<sup>th</sup> day of December, 1950, and recorded in Volume 362, Page 483, Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at the southeast corner of said M.E.P. & P.R.R. Company Survey, Abstract No. 1476 and the northeast corner of said Thomas Bristow Survey, Abstract No. 35, in the west boundary line of the A. Robertson Survey Abstract No. 1487, said corner being on the centerline of F.M. Road 423;

THENCE North 87 degrees 47 minutes 19 seconds West a distance of 50.0 feet to the west right-of-way of F.M. Road 423;

THENCE North 02 degrees 38 minutes 30 seconds East a distance of 17.34 feet to an iron pin found in the middle of a road on the west right-of-way of F.M. 423, at the point of beginning of the herein described 12.366 acre tract;

THENCE South 02 degrees 38 minutes 30 seconds West with the west right-of-way of F.M. 423, a distance of 69.37 feet to an iron pin found for corner;

THENCE South 00 degrees 13 minutes 15 seconds West; with the west line of said F.M. 423 a distance of 100.12 feet to an iron pin four for corner;

THENCE South 02 degrees 38 minutes 30 seconds West with the west line of said F.M. Road a distance of 266.60 feet to an iron pin found at a fence corner post for corner;

THENCE North 87 degrees 49 minutes 42 seconds West along and near a fence a distance of 1023.45 feet to an iron pin found at a fence corner post for corner;

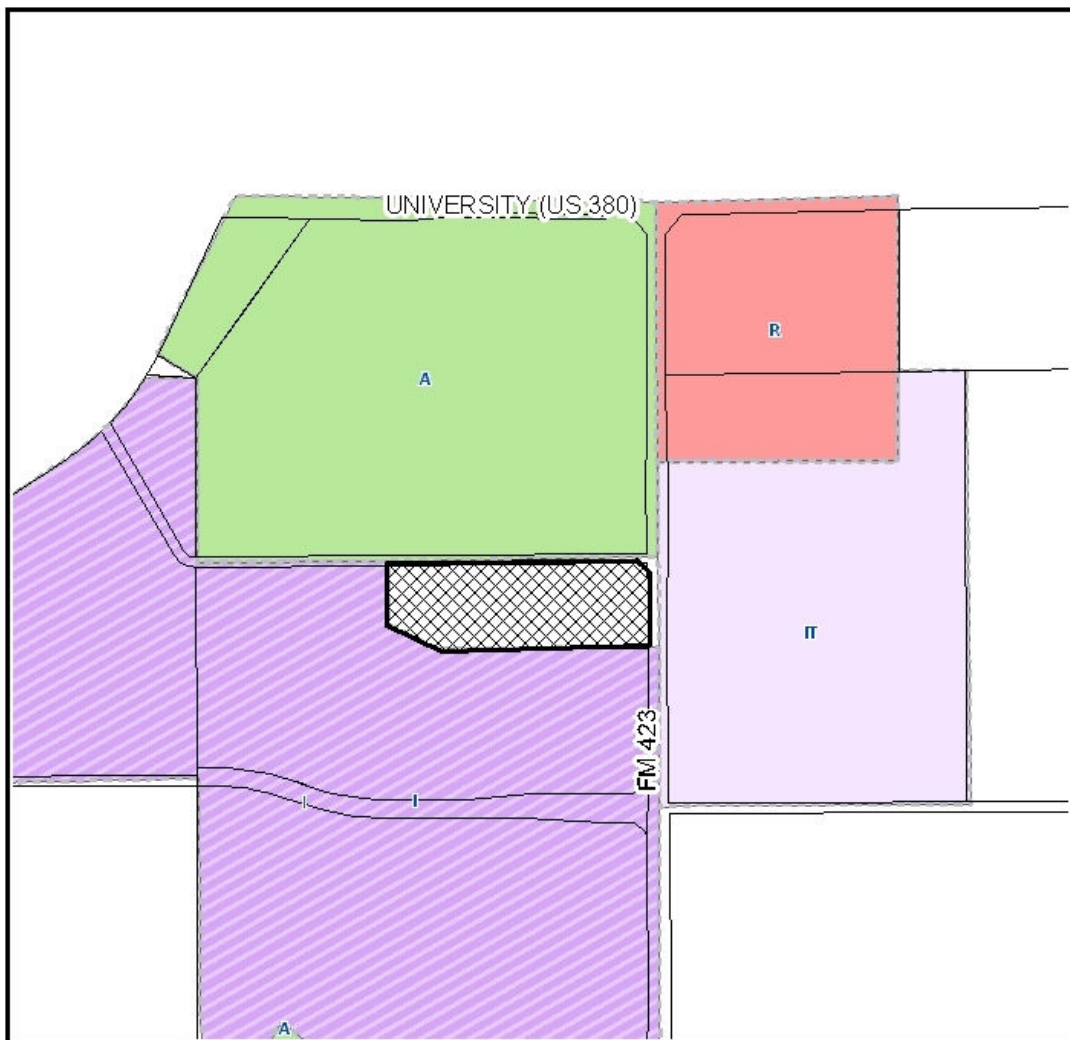
THENCE North 61 degrees 21 minutes 52 seconds West with a fence a distance of 274.32 feet to an iron pin found at a fence corner post;

THENCE North 02 degrees 32 minutes 24 seconds East with a fence, passing at 296.57 feet a fence corner post on the south line of the M.E.P. & P.R.R. Co. Survey and the north line of the T. Bristow Survey along being the south line of an east west road and continuing a total distance of 314.63 feet to an iron pin found for corner in the middle of said road;

THENCE South 87 degrees 47 minutes 19 seconds East with the middle of said road a distance of 1265.49 feet to the Point of Beginning containing in all 12.366 acres of land of which 0.5143 acre lies within the east-west road.

EXHIBIT "B"

# Annexation Gary Davis Property 12.4± acres



**Exhibit "C"**

**CITY OF FRISCO, TEXAS  
SERVICE PLAN FOR ANNEXED AREA**

ANNEXATION ORDINANCE NO. \_\_\_\_\_

DATE OF ANNEXATION ORDINANCE:

ACREAGE ANNEXED: 12.366 acres of land, more or less

SURVEY, ABSTRACT & COUNTY: Thomas Bristow Survey, Abstract No. 35 and the M.E.P. & P.R.R. Survey, Abstract No. 1476, Denton County, Texas.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Frisco, Texas, at the following levels and in accordance with the following schedule:

A. POLICE SERVICE

1. Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of the City of Frisco, Texas, extends police service to any other area of the municipality, will be provided upon the effective date of the annexation ordinance.
2. Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the City.

B. FIRE SERVICES

1. Fire protection and emergency ambulance equipment by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of the City of Frisco, Texas, extends fire service to any other area of the municipality, will be provided to this area upon the effective date of the annexation ordinance.
2. Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the City.

C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1. Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this



area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

2. Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
3. The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
4. All inspection services furnished by the City of Frisco, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
5. As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

D. PLANNING AND ZONING SERVICES

The planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

E. PARK AND RECREATION SERVICES

1. Residents of this property may utilize all existing park and recreational services, facilities, and sites throughout the City, beginning upon the effective date of the annexation ordinance.
2. Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans, policies, and programs and decisions of the City of Frisco. This property will be included in all future plans for providing parks and recreation services to the City.
3. Existing parks, playgrounds, swimming pools, and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Frisco, but not otherwise.

F. SOLID WASTE COLLECTION

1. Solid waste collection shall be provided to the property in accordance with existing City policies, beginning upon the effective date of the annexation ordinance.
2. As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to this property in accordance with the current policies of the City as to frequency, changes and so forth.

G. STREETS

1. The City of Frisco's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning upon the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City of Frisco.
2. As development, improvement or construction of streets to City standards commences within this property, the policies of the City of Frisco with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
3. The same level of maintenance shall be provided to streets within this property which have been accepted throughout the City of Frisco as is provided to City streets throughout the City.
4. Street lighting installed on streets improved to the City standards shall be maintained by either TXU Energy, Oncor, Denton County Co-Op or the appropriate Franchise holder in accordance with current City policies.

H. WATER SERVICES

1. Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinances for such service throughout the City.
2. As development and construction commence in this property, water mains of the City will be extended in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with the applicable City ordinances and regulations. Such extensions will be commenced within two and one-half (2 1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

3. Water mains installed or improved to City standards which are within the annexed area and are within dedicated easements shall be maintained by the City of Frisco beginning upon the effective date of the annexation ordinance.
4. Private water lines within this property shall be maintained by their owners in accordance with existing policies applicable throughout the City.

I. SANITARY SEWER SERVICES

1. Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing City policies. Upon connection, sanitary sewer service will be provided at rates established by City ordinances for such service throughout the City.
2. Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements, and which are within the annexed area and are connected to City mains will be maintained by the City of Frisco beginning upon the effective date of the annexation ordinance.
3. As development and construction commence in this area, City sanitary sewer will be extended in accordance with provisions of the Subdivision Ordinance and other applicable City ordinances and regulations. Such extensions will be commenced within two and one-half (2 1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

J. MISCELLANEOUS

1. Any facility or building located within the annexed area and utilized by the City of Frisco in providing services to the area will be maintained by the City of Frisco commencing upon the date of use or upon the effective date of the annexation ordinance, whichever occurs later.
2. General municipal administration and administrative services of the City shall be available to the annexed area Frisco beginning upon the effective date of the annexation ordinance.
3. Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
4. The Service Plan is valid for ten (10) years from the effective date of the Ordinance.